# In the Supreme Court of the United States.

OCTOBER TERM, 1927

NO. 15, ORIGINAL

THE STATE OF COLORADO, COMPLAINANT

vs.

THE STATE OF KANSAS AND THE FINNEY COUNTY WATER USERS' ASSOCIATION, A CORPORATION, DEFENDANTS.

## Motion for Leave to Plead to Answer of the State of Kansas

Now comes the complainant, The State of Colorado, and respectfully sets forth:

I

The defendant, The Finney County Water Users' Association, pursuant to leave of Court, has filed herein its "Separate Answer of the Defendant, The Finney County Water Users' Association," and has set up therein in Paragraph Twenty-second, beginning with Page Twenty thereof, certain matters in support

of a prayer for affirmative relief and has prayed affirmative relief. The complainant is advised, however, that the said The Finney County Water Users' Association intends forthwith to dismiss and withdraw that part of its said Separate Answer concerned with affirmative relief and also the prayer for affirmative relief. If, pursuant to the said understanding, both of the same are dismissed and withdrawn, no reply or pleading thereto is required from this complainant, as this complainant properly understands the procedure provided by the Court in this action, and in view of the said intention of The Finney County Water Users' Association to withdraw the same, the complainant does not, at this time ask leave to plead, but desires to communicate to the Court its reasons at this time for not asking leave to plead thereto.

II

The State of Kansas has also filed herein, by leave of Court, its "Separate Answer of the State of Kansas." The said Answer, in Paragraph Twenty-second, beginning on Page Thirty, and continuing to the end of the said Answer, has set forth certain matters as a basis of obtaining affirmative relief and has prayed for affirmative relief. Your complainant, The State of Colorado, being advised by counsel that it is necessary and proper that the said part of the Answer, being in the nature of a cross bill or counterclaim herein, requires, under the principles of equity pleading applicable to this cause, an answer or reply, desires to file herein, within a reasonable time to be fixed by the Court, a proper pleading addressed to the said part of the Answer.

WHEREFORE, The State of Colorado, complainant herein, respectfully asks leave to file herein, with-

in ninety days or such proper time as may be fixed by the Court, a reply to that part of the "Separate Answer of the State of Kansas" recited for the purpose of obtaining affirmative relief, and also asks leave to file herein, within the same period, a motion to dismiss that part of the "Separate Answer of the Defendant, The Finney County Water Users' Association" which prays affirmative relief, unless the latter be dismissed and withdrawn by the said The Finney County Water Users' Association within thirty days after the filing of this motion.

Respectfully submitted,

THE STATE OF COLORADO,

By Robert E. Winbourn,
Attorney General of Colorado.

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